

REMARKS

The application includes claims 1, 4, 6-17, 19, 22-27, and 29-32 prior to entering this amendment.

The applicant amends claim 1 to correct insubstantial typographical errors and to clarify that which is recited in the claims.

The application includes claims 1, 4, 6-17, 19, 22-27, and 29-32 after entering this amendment.

The applicant does not add new matter and respectfully requests reconsideration.

Drawing Objections

The examiner objected to the drawings under 37 C.F.R. § 1.83 as failing to show every feature of the invention specified in the claims. The applicant has not amended the drawings and asks the examiner to reconsider the drawing objections given the explanation of the terms at issue provided by the applicant below.

Claim Rejections Under § 112

The examiner rejected claims 1, 4, 6-17, 19, 22-27, and 29-31 under 35 U.S.C. § 112, first paragraph.

The examiner rejected claim 32 under 35 U.S.C. § 112, first paragraph.

Claim 1 recites *wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal and wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech such that the digitally encoded speech is annunciated after decoding responsive to the transmission mode*. The examiner indicated that the above-identified language “was not supported in the specification nor in any claim originary [sic] presented and in any figures.”¹ The applicant respectfully disagrees.

With regard to the recited *wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal*, the specification discloses that “[u]nfortunately, important information provided on the compressed audio track or playlist track display is not available to the driver. This information may include song titles, artist names,

¹ Office action mailed 3/31/2010, page 4.
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genre and sometimes lyrics, that are often encoded in data tracks.”² The specification further discloses that an embodiment in which “...the artist name, the song title and album (if available) are transmitted and displayed on the FM radio screen”³ and an embodiment in which “...the user [can] quickly scroll through titles and playlists (displayed on the FM radio screen) to choose the next selection by transmitting commands to the CD player that would be used by the stand-alone CD player to perform the same functions.”⁴ “According to yet another exemplary embodiment of the invention, the text information can be annunciated prior to the start of the song (or any time the driver/user chooses to by pressing one of the buttons on the remote control). This embodiment of the invention may be used with a conventional FM receiver, that is to say, one without RDS capability. In this embodiment, audio annunciation files are created when the CD or CDMP3 is created and are stored in short compressed audio files that are tagged and placed in front of the music files (or appended to the end of the file). In this embodiment, the files may be compressed in the MP3 or WMA format (or other formats). In another embodiment of the invention, the CD or CD-MP3 processor includes software that implements a text-to speech process (annunciation process) and the resulting speech data is transmitted to the FM receiver as a conventional FM signal. It is contemplated that sets of the resulting speech data (e.g. all titles on the CD) may be concatenated and provided as a single unit allowing a user to select a music file corresponding to an item of the set by pressing a selection key on the remote control while the item is being annunciated.”⁵ Finally, the specification discloses that “...the CD or CD-MP3 player may have access to the titles, artists, lyrics or other text data concerning the music tracks.”⁶ It should be apparent from at least the portions reproduced above, that the specification indeed does disclose the recited *data type that is configured to identify a type of ancillary information ... descriptive of the audio signal*, e.g., “titles, artists, lyrics, other text data concerning the music tracks.”⁷

With regard to the recited *wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech such that the digitally encoded speech is annunciated after decoding responsive to the transmission mode*, the

² Specification, paragraph [0004].

³ Specification, paragraph [0023].

⁴ Specification, paragraph [0024].

⁵ Specification, paragraph [0025].

⁶ Specification, paragraph [0037].

⁷ Specification, paragraph [0037].

specification discloses that "... a user selects what type of data is to be sent (e.g. just the titles) and how the data is to be sent (e.g. as an audio table of contents in a selection mode or immediately prior to or after each music track is played). At step 522, an annunciation process converts the selected data to speech. At step 524, the annunciated data is combined with the PCM digital audio data as selected by the user in step 520 and the combined signal is encoded as an FM stereo signal at step 526, using an FM stereo encoding process, as described, for example, in the above referenced patent. The output signal provided by step 526 is a digital base-band FM radio signal that may be applied to the D/A and filter 320 and transmitter 210, as described above."⁸ And the specification discloses that "...the text information can be annunciated prior to the start of the song (or any time the driver/user chooses to by pressing one of the buttons on the remote control)... audio annunciation files are created when the CD or CDMP3 is created and are stored in short compressed audio files that are tagged and placed in front of the music files (or appended to the end of the file)... It is contemplated that sets of the resulting speech data (e.g. all titles on the CD) may be concatenated and provided as a single unit allowing a user to select a music file corresponding to an item of the set by pressing a selection key on the remote control while the item is being annunciated."⁹ Here the recited *transmission mode* refers to the manner in which the text data is sent and then annunciated, e.g., "immediately prior to or after each music track is played."¹⁰ Also, the claim recites that *the digitally encoded speech is annunciated after decoding responsive to the transmission mode*, e.g., "as an audio table of contents in a selection mode or immediately prior to or after each music track is played" or "...sets of the resulting speech data (e.g. all titles on the CD) may be concatenated and provided as a single unit allowing a user to select a music file corresponding to an item of the set by pressing a selection key on the remote control while the item is being annunciated."¹¹

For these reasons, the applicant asks the examiner to reconsider and withdraw his claim rejections under § 112.

⁸ Specification, paragraph [0037].

⁹ Specification, paragraph [0025].

¹⁰ Specification, paragraph [0037].

¹¹ Specification, paragraphs [0025] and [0037].

Claim Rejections Under § 103

The examiner rejected claims 1, 9-12, 19, 22, 23, 31, and 32 under 35 U.S.C. § 103(a) over Johnson et al. (U.S. patent 6,782,239) in view of Lee (U.S. patent 6,025,553).

The examiner rejected claim 4 under 35 U.S.C. § 103(a) over Johnson in view of Lee '553 and Zhang (U.S. patent 6,295,362).

The examiner rejected claims 6-8 and 24 under 35 U.S.C. § 103(a) over Johnson in view of Lee '553 and Anderson (U.S. patent 5,721,783).

The examiner rejected claims 13, 14, 17, 26, 27, 29, and 30 under 35 U.S.C. § 103(a) over Yang et al. (U.S. patent 6,374,177) in view of Lee (U.S. patent 6,374,177).

The examiner rejected claims 15 and 16 under 35 U.S.C. § 103(a) over Yang in view of Lee '177 and Grimes (U.S. patent 6,377,822).

The examiner rejected claim 25 under 35 U.S.C. § 103(a) over Yang in view of Lee '177 and Johnson.

The applicant respectfully disagrees for at least the reasons that follow.

The examiner acknowledged that Johnson did not disclose "to convert the text data into digitally encoded speech before the text data was encoded with the audio signal for transmission purpose,"¹² not did Johnson disclose the recited *wherein the data type is configured to identify a type of ancillary information that is descriptive of the audio signal and wherein the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech such that the digitally encoded speech is annunciated after decoding responsive to the transmission mode*.¹³ The examiner looked to Lee '553 to supply the missing disclosure. Lee '553 discloses a portable music device that combines an external audio input, such as a singer's voice singing the lyrics of a song into a microphone and stored musical accompaniment for the song, and produces an RF signal for transmission to a receiver.¹⁴ Lee '553, however, does not disclose the recited processor configured to identify *text data...responsive to receiving a data type... configured to identify a type of ancillary information that is descriptive of the audio signal*. This is because Lee '553 does not identify any type of text data, much less text data that provides *ancillary information descriptive of an audio signal*. Rather, Lee '553 discloses a

¹² Office action mailed 3/31/2010, page 6.

¹³ *Id.*

device that records a person singing along to musical accompaniment but does not disclose that its processor 1 is configured to *identify text data providing ancillary information descriptive of an audio signal responsive to receiving a data type* as recited. Lee also does not disclose that *the transmission mode is configured to identify a mode in which to encode the audio signal and the digitally encoded speech such that the digitally encoded speech is annunciated after decoding responsive to the transmission mode*, e.g., that the song's title (identified by the processor responsive to the data type) would be annunciated before or after the song after decoding according to the received transmission mode as recited. None of the cited Anderson, Zhang, Yang, Lee '177, or Grimes cures the deficiencies of Johnson or Lee.

For at least these reasons, independent claims 1, 13, and 19 are in condition for the examiner's allowance. Claims 4, 6-12, 14-17, 22-27, and 29-32 are also in condition for the examiner's allowance at least because of their dependence on independent claims 1, 13, and 19.

Conclusion

In view of the foregoing, the applicant submits that claims 1, 4, 6-17, 19, 22-27, and 29-32 are in condition for allowance. The applicant encourages the examiner to call if a conference would advance prosecution.

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Respectfully submitted,

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